

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, March 7, 2007 - 3:30 p.m.

PUBLIC HEARINGS – 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order at 3:35 p.m. by Council President Lantry. Present -7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent -0

CONSENT AGENDA (Items 1 - 20)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY

Council President Lantry requested the secretary to read Item 4 into the record to remind people to attend the meetings.

Councilmember Bostrom moved approval of the consent agenda as amended.

Adopted as amended Yeas - 7 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of J R Mac Inc. dba J R Mac's Grill & Pub (Videll M. Nelson), Jimmy J. Micius, Northern States Power dba Xcel Energy, Inc., and Holly C. Tinkham. Referred to Risk Management
- Findings of Fact, Conclusion of Law and Order in the matter of John Crivits vs. the Saint Paul City Council.
 Referred to City Attorney's Office
- 3. Letter from the Office of License, Inspections and Environmental Protection announcing a public hearing before the City Council on March 21, 2007 to consider the appeal of Cheryl Golden-Black to a decision by the Heritage Preservation Commission for a new roof system with a steeper pitch, and requiring the dormers be set lower than the main ridge line at 805 East Fourth Street, Dayton's Bluff Historic District. (File No. 07-095).

4. Letter from the Office of Contract & Analysis Services announcing dates of two Disparity Study Public Hearings for March 27, 2007 at 5:30 p.m., Central Corridor Community Site (old Lexington Library), 1080 University Avenue West, and for March 29, 2007 at 5:30 p.m., Paul and Sheila Wellstone Center (Neighborhood House), 179 Robie Street East, Room 212.

FOR ACTION

5. Approval of minutes of February 7 and 14, 2007.

Adopted Yeas - 7 Nays - 0

6. Resolution – 07-172 – Approving Employment Agreements between Independent School District #625 and Minnesota Teamsters Local No. 320, Machinists, Tri-Council, and Electricians. (Laid over from February 28 for adoption)

Adopted Yeas - 7 Nays - 0

7. Resolution – 07-197 – Approving the 2007 Labor Agreement between the City of Saint Paul and the Classified Confidential Employees Association. (To be laid over to March 14 for adoption).

Laid over to March 14 for adoption

8. Resolution - 07-198 - Amending C.F. #07-122 deleting the assessment for excessive consumption of inspection services, 694 Jenks Avenue.

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-199 – Modifying the Fire Certificate of Occupancy Program's Building Deficiency Point System by eliminating point deductions in some categories.

 $Adopted \qquad Yeas-7 \qquad Nays-0$

10. Resolution – 07-200 – Approving the decisions of the Legislative Hearing Officer on Appeals of Letters of Deficiency, Correction Notices, and Correction Orders for 589 Cleveland Avenue South and 1389 Berkeley Avenue.

Adopted Yeas - 7 Nays - 0

11. Resolution – 07-201 – Giving preliminary approval to the issuance of General Obligation Bonds.

 $Adopted \qquad Yeas-7 \qquad Nays-0$

12. Resolution – 07-202 – Memorializing City Council action taken February 21, 2007, upholding the decision of the Heritage Preservation Commission and approving the application of SteppingStone Theater for a building permit to rehabilitate the former First Methodist Church building in the Historic Hill Heritage Preservation District, 55 Victoria Street North (873 Portland Avenue) for the purpose of housing the SteppingStone Children's Theater. (File No. 07-071)

Adopted Yeas - 7 Nays - 0

- 13. Resolution 07-203 Authorizing the Department of Planning and Economic Development to accept a gift of up to \$1,200 from the University of California-Berkeley to cover travel, lodging, and food costs for staff to attend and present a symposium on Creating Mixed-Income Neighborhoods along Transit Corridors on March 9, 2007. Adopted Yeas 7 Nays 0
- 14. Resolution 07-204 Approving the issuance of \$1,800,000 of conduit fixed rate tax-exempt bonds for Tilsner Carton Company, 162 York Avenue.

 Adopted Yeas 7 Nays 0
- 15. Resolution 07-205 Authorizing the Division of Parks and Recreation to accept a contribution from Polar Bear International for City staff to attend the "Year of the Polar Bear" Workshop in Ohio from March 23 to March 30, 2007.

 Adopted Yeas 7 Nays 0
- Resolution 07-206 Authorizing the Police Department to enter into a Joint Powers
 Agreement with the Clay County Sheriff's Office for participation in the Internet Crimes
 Against Children Task Force.
 Adopted Yeas 7 Nays 0
- 17. Resolution 07-207 Authorizing the Police Department to enter into a Joint Powers Agreement with the City of Edina's Police Department for participation in the Internet Crimes Against Children Task Force.

 Adopted Yeas 7 Nays 0
- Resolution 07-208 Authorizing the Police Department to enter into a Joint Powers
 Agreement with the Sherburne County Sheriff's Office for participation in the Internet
 Crimes Against Children Task Force.
 Adopted Yeas 7 Nays 0
- 19. Resolution 07-209 Authorizing the Police Department to enter into a Joint Powers Agreement with the cities of Maplewood, Roseville and White Bear Lake to create the East Metro Narcotics Task Force.

Adopted Yeas - 7 Nays - 0

20. Preliminary Order – 07-210 – In the matter of the Operation Costs of the Above Standard Street Lighting System for Rice Park for 2007, and setting date of public hearing for April 18, 2077. (File No. 19041)

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

21. Resolution – 07-211 – Recognizing Todd Hurley, City Treasurer, for his years of dedicated service.

Councilmember Harris recognized Todd Hurley by reading a resolution on behalf of Financial Services.

Council President Lantry read a resolution on behalf of the City Council and presented Mr. Hurley with a plaque.

Todd Hurley responded with words of appreciation for being recognized and for the time he spent working for the City of Saint Paul.

Councilmember Harris moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 7 Nays - 0

Resolution – 07-233 – Declaring March 7, 2007 to be *Snow Emergency Worker Day* in the City of Saint Paul.

Councilmember Thune talked about the effort and work put in by the Department of Public Works clearing the streets during the recent snow emergencies. He recognized Public Works' staff Bruce Beese, Gary Erichson, and Jeff Sanchez and read the resolution commending administrators and employees.

Mayor Coleman appeared and also expressed his appreciation to Public Works staff for their excellent work.

Bruce Beese, Director of Public Works, said their work is a city-wide effort and he expressed appreciation for the recognition presented to them.

Councilmember Thune moved approval.

Adopted Yeas - 7 Nays - 0

Councilmember Thune moved suspension of the rules to introduce the following resolution:

$$Yeas - 7$$
 $Nays - 0$

Resolution – 07-234 – Supporting S.F. 960/H.F. 1097, Legislation restoring local control over local affairs by permitting local government to provide access to health care benefits at their discretion to categories of people beyond employees, spouses, and children.

Councilmember Thune moved approval.

Adopted
$$Yeas - 7$$
 $Nays - 0$

22. Consideration of the application of Kristi Wheeler/Adam H. Duckwall for the subdivision (Combined Plat) for Duckwall Division to create two single family parcels at 519 Wheelock Parkway East between Hoyt Avenue and Edgerton Street. (Zoning File No. 06-115-643) (Public hearing held February 7)

Councilmember Helgen moved to grant the application.

Motion of Intent – Application Granted Yeas – 6 Nays – 0 (Bostrom not present)

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

23. Final Adoption – 06-1047 – An ordinance amending the Saint Paul Legislative Code by creating a new section, Legislative Code § 69.511, entitled "Parkland Dedication Requirements, Residential Developments." (Laid over from February 28) Substitute introduced and laid over to March 21 for public hearing

Councilmember Thune moved to introduce a substitute ordinance and lay over to March 21 for a public hearing. Yeas -7 Nays -0

- 24. Second Reading 07-195 An ordinance memorializing City Council action granting the application of Nou Vang to rezone property from I1 (Light Industrial) to TN2 (Traditional Neighborhood) at 892 Hamline Avenue North, northeast corner at Pierce Butler Route. (Zoning File No. 06-289-537) (Public hearing held February 7, 2007) Laid over to March 14 for third reading
- 25. First Reading 07-212 An ordinance amending the Charter of the City of Saint Paul to place the City Clerk under the authority of the City Council.

 Laid over to March 14 for second reading

- 26. First Reading 07-213 An ordinance amending Chapter 33 of the Saint Paul Legislative Code pertaining to Building Code and Inspection.
 Laid over to March 14 for second reading
- 27. First Reading 07-214 An ordinance amending Title VI of the Saint Paul Legislative
 Code modifying the Fire Certificate of Occupancy Program.
 Laid over to March 14 for second reading

The meeting was recessed from 4:05 p.m. to 5:30 p.m. Present – 6 Absent – 1 Montgomery (arrived later in the meeting)

PUBLIC HEARINGS

28. Resolution – 07-215 – Approving a sound level variance for Mount Zion Temple, 1300 Summit Avenue, in order to present live music, with limitations, from 11:00 a.m. to 4:00 p.m. on May 6, 2007.

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval.

Adopted Yeas -6 Nays -0 (Montgomery not present)

29. Resolution – 07-216 – Approving a sound level variance for Gabes by the Park, 991 North Lexington Avenue, in order to present live music, with limitations, from 4:00 p.m. to 12:00 midnight on March 16 and 17, 2007.

Matt Long, owner of Gabes by the Park, said he originally asked if the closing time could be extended to 1:00 a.m., the same time that was granted by the Council last year.

Councilmember Helgen said Gabe's did a good job with their event last year and moved to grant the 1:00 a.m. closing time.

Councilmember Benanav moved to close the public hearing and approval as amended. Adopted as amended Yeas - 6 Nays - 0 (Montgomery not present)

(Councilmember Montgomery arrived)

30. Resolution – 07-217 – Approving the petition of the Metropolitan Council to vacate alley rights in Block 15, Edmund Rice's Trout Brook Addition and part of Acker Street, not previously vacated, between Soo Line Plat No. 6 and Mississippi Street, in order to allow for platting the area where the Metro Bus Garage exists.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted Yeas - 7 Nays - 0

31. Resolution – 07-218 – Approving the petition of Gary Ribble to vacate a 6-foot section of a 25-foot public walkway abutting 1371 McAfee Street between McAfee and the Bruce Vento Regional Trail.

Councilmember Bostrom moved to continue the public hearing for two week as District 2 still has questions about the petition.

Laid over to March 21 for continuation of the public hearing Yeas - 7 Nays - 0

32. Public hearing to consider the appeal of Travis Mead to a decision of the Board of Zoning Appeals denying a minimum lot size variance in order to convert a duplex into a triplex at 315 Aurora Avenue. (Zoning File No. 07-021306)

John Hardwick, Office of License, Inspections and Environmental Protection (LIEP), presented a staff report. In December of 2006 the appellant had a certificate of Occupancy (C of O) inspection done on his building at 315 Aurora in response to a referral. The C of O inspector noted that the building did not have zoning approval for use as a triplex. In January of 2007, Mr. Mead applied for a variance of the minimum lot size requirements in order to convert the building from a duplex into a triplex. The minimum lot size required for a triplex is 9,000 sq. ft. and this lot is 6,300 sq. ft. On January 29, 2007 the BZA conducted a public hearing on the request. At that time staff recommended denial of the variance based primarily on the fact that the applicant did not meet the guidelines that were adopted by the BZA in 1992 for triplex conversion. After taking testimony from the applicant and other interested parties, the Board denied the variance on a 4-3 vote. District 8 did not make a recommendation.

Andy Dawkins, representing Donna and Travis Mead, said the Meads are requesting a variance from the City's minimum lot size requirement to convert an existing duplex into a triplex which is a permitted use in the RT2 zoning district area. There was no opposition from any of the neighbors and no objection was raised from the community council. The code allows for a triplex and being near mass transit, Mr. Dawkins said he feels it would be a good use. No issues or concerns were raised by the BZA Board or staff as to why a smaller lot size wouldn't work and there were no issues or concerns as to the amount of green space. In the staff report, it was clear that the lot does have the required amount of street parking. If a variance is granted, the street will be paved. Dawkins said no concerns were raised about the central issue before the Council – should the City Council allow a variance to the minimum lot size requirements; ie, why would a

smaller lot size be problematic in this case? He noted that the only issues raised were concerning when the initial conversion of the basement unit occurred and said that issue might be of value if they were asking for a non-conforming use.

Mr. Dawkins read the grounds for appeal from the handout he distributed.

Council President Lantry asked if the Meads bought the building as a duplex or a triplex. Mr. Dawkins responded that it was in a state of altered conversion. She questioned how it was advertised. Travis Mead, property owner, appeared and said the property was not represented by a realtor, rather he bought it directly from private individuals.

Council President Lantry noted that the appraisal report indicates it is two units and Mr. Mead concurred.

Councilmember Montgomery moved to close the public hearing. Yeas -7 Nays -0

Councilmember Montgomery said her Legislative Aide was at the District 8 meeting where they spoke in support.

Councilmember Montgomery said she found that the BZA erred in Findings of Facts Nos. 2 and 3 and moved to grant the appeal.

Council President Lantry said she would vote against the motion because she feels the plight of the landowners is due to circumstances of which they were aware.

Motion of Intent - Appeal Granted Yeas - 6 Nays - 1 (Lantry)

33. Final Order – 07-219 – In the matter of improving the area referred to as the Hubbard/Griggs RSVP (Residential Street Vitality Project). (File No. 19033)

Barb Mundahl, Department of Public Works, said this is a standard RSVP project and there is nothing unusual about it.

The following individuals appeared:

Gary Wells, 1207 Hewitt Avenue, said he's in favor but they just received the notice and he had concerns with the Ramsey County assessment.

Craig Wilson, 1207 Hewitt Avenue, said he had the same concerns as Mr. Wells.

Robert Tavis, 1180 Hewitt, said the neighbors haven't heard details on the project. He said he has concerns about speeding cars and he raised his issues at the neighborhood meeting.

John Kennedy, 832 N. Syndicate Street, said he has no objection to the improvement project but his single family home sits on two lots. The assessment comes to almost \$3200 and people with a 40 foot lot pay half of that and get the same improvements.

William Mills, 747 N. Lexington Parkway, said there is a parking problem at Central Lutheran School which is near his residence and the City needs to look at accommodating the school. There should be off-street parking for the school and he said the City should look at that when the streets are being done.

Councilmember Benanav moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Benanav told Ms. Mundahl that questions/concerns raised should be answered before moving forward. Ms. Mundahl explained what steps have been taken and said she would ask Monica Beeman of the Public Works Engineering section to take another look at it.

Councilmember Benanav moved to lay over two weeks. Laid over to March 21 Yeas – 7 Nays – 0

34. Order – 07-220 – In the matter of improving Davern Street from Shepard Road to West Seventh Street. (File No. 19037)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval. Adopted Yeas -7 Nays -0

35. Final Order – 07-170 – In the matter of improving the westernmost north-south alley in Saint Anthony Park North, Block 27, from Valentine Avenue to approximately 264 feet south of Valentine Avenue, by grading and paving with bituminous material for the area bounded by Valentine Avenue, Como Avenue, Keston Street and Doswell Avenue; and in the matter of condemning and taking an easement in the land necessary for the slopes, cuts and fills, including right of removal of lateral support from subject land or land remainder thereof, occasioned by excavation thereof or construction of slopes in the grading and paving of the westernmost north-south alley in Saint Anthony Park North, Block 27, from Valentine Avenue to approximately 264 feet south of Valentine Avenue. (File No. 19039) (Laid over from February 21)

Pete Gallagher, Public Works Street Engineering, said a neighborhood meeting was held. The major concern was the boiler plate design of an alley and a 20 ft. right-of-way. It's a 16 ft. wide alley and neighbors felt it was wider than they wanted. Mr. Gallagher said he told them that it would be designed at 10-12 feet.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval. Adopted Yeas - 7 Nays - 0

36. Final Order – 07-221 – In the matter of improving the area referred to as the Griggs/Jefferson RSVP (Residential Street Vitality Project). (File No. 19031)

Margie Trojan, 1067 James Avenue, said they will have no access to their property when this work is being done. She also asked if there would be changes in the lighting.

Barb Mundahl, Department of Public Works, said she will check on the intentions pertaining to the light and get back to Ms. Trojan. She acknowledged that access will be difficult but it won't be totally restricted.

Councilmember Harris moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Harris encouraged people to contact his office if they have issues. Councilmember Harris moved approval.

Adopted Yeas - 7 Nays - 0

37. Final Order – 07-222 – In the matter of improving the area referred to as the White Bear/Burns RSVP (Residential Street Vitality Project). (File No. 19032)

Scott Griesbach, 1689 Upper Afton Road, said he does not use any of the roads involved in this project and questioned why he should be assessed. He requested his assessment be deleted. Council President Lantry explained how the assessment is determined and talked about the work that will be done.

Jim LaTourneau, 1712 Louise Avenue, spoke in favor of the project but questioned how the assessment is determined saying he wants to make sure they are fairly assessed. Council President Lantry responded that by State law, the City is required to assess a portion of the project cost to the benefiting property owner. She didn't think the City could go below 20% of the project. Whatever the cost of the project is, 20% is divided against the property owners and the City pays the remainder.

Bill Shelton, 195 White Bear Avenue North, asked about accessing his property; once the work is done, if it changes the setback guidelines for development; and if it will change how property can be developed. Council President Lantry responded that she did not

think the width of the road was either increasing or decreasing. It also does not change the underlying zoning.

Council President Lantry said she was contacted by a resident who may want to do an opt-out on the portion of Leone west of Kennard. They have to go through the district council and a petition process so the opt-out petition may come in later.

Lisa Falk, Public Works Engineer, and Dave Nelson, Real Estate, appeared and addressed the issues that were raised.

Pete Gallagher explained how assessments are determined for properties. He said the policy for the assessments is in the Saint Paul Administrative Code, Chapter 88, Appendix Chapter 8.

Neil Grass, 1547 Leone Avenue, spoke in support of the project but said he would be against allowing late petitions to op-out.

The resident of 91 Lyons Street, asked about burying the power lines. Ms. Falk said that issue is with Xcel and not the City. It is not part of the project.

Council President Lantry moved to close the public hearing and approval with the caveat that there is a process for opting out. Seventy-five percent of the property owners must agree. She said staff will look into 1689 Upper Afton road

Adopted Yeas - 5 Nays - 0 (Benanav and Montgomery not present)

(Councilmember Benanav left the meeting at this point)

38. Final Order – 07-223 – In the matter of improving the area referred to as the Seventh/Bay RSVP (Residential Street Vitality Project). (File No. 19034)

A speaker from United Family Practice Health Center talked about the timeline of the project. They are in the beginning stages of getting approval for their site plan.

Councilmember Thune assured them that they will see that the City's schedule works with theirs.

Andrew Hine, 757 Armstrong Avenue, representative of Collin Park and the Collin Park Buddies, read a statement explaining their request and concerns.

Councilmember Thune moved to close the public hearing. Yeas -5 Nays -0 Councilmember Thune moved approval

Adopted Yeas -5 Nays -0 (Benanav and Harris not present)

(Councilmember Thune left the meeting at this point)

39. Final Order – 07-224 – In the matter of acquiring property rights for right-of-way needed to construct a left turn lane signalization project along Maryland Avenue at the intersection of Rice Street.

No one appeared in Opposition.

Jeffrey Rauschnot, 1940 Elm Street, White Bear Lake, owner of 1199 Rice Street and 150 West Maryland Avenue, appeared in support.

Councilmember Helgen moved to close the public hearing and approval.

Adopted Yeas - 4 Nays -0

Councilmember Helgen moved to reconsider item 39.

Yeas -4 Nays -0 (Benanav, Harris, Thune not present)

Patrick Hogan, 1991 Ford Parkway, Real Estate Agent representing Lee Choen (sp), a tenant in one of the buildings, appeared in opposition. He asked if the project could be reviewed to see if there is another way of making the turn lane and sub-dividing the lot so the barbershop would be left and the rest of the space used for the turn lane. There would be a lower acquisition cost. It would also create additional tax revenue for the City by leaving the parcel in place.

Arthur Penya (sp), spoke on behalf of the tenant at 150 West Maryland. He said he would like to work something out to stay at this location,

Councilmember Helgen moved to close the public hearing.

Yeas -5 Nays -0 (Benanav, Thune not present)

Councilmember Helgen said the need will be to remove the bar since it sits on the corner and Real Estate can see whether or not the barbershop needs to be taken. Real Estate staff stated that both buildings are tied together in one mortgage package so the whole corner would have to be acquired.

Councilmember Helgen moved approval.

Adopted Yeas -5 Nays -0 (Benanav & Thune not present)

40. Resolution Ratifying Assessment – 07-225 – In the matter of the assessment of benefits, cost and expenses for repair of sanitary sewer connections from July through December, 2006 (SWRP0603).

Chong Vang, 958 Conway Street, said there was a broken sewer on the street and he questioned why he had to pay for it. Council President Lantry explained how the charges are done with broken sewers.

Councilmember Helgen moved approval with the exception of 851 Marion Street and 958 Conway Street which were laid over to March 21.

Adopted as amended Yeas - 5 Nays - 0

41. Resolution Ratifying Assessment – 07-226 – In the matter of the assessment of benefits, cost and expenses for replacement of lead water service lines, as requested by property owners, from July through December, 2006. (File No. 0603LDSRP)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval. Adopted Yeas -5 Nays -0

42. Resolution Ratifying Assessment – 07-227 – In the matter of the assessment of benefits, cost and expenses for tenant remedy rehabilitation for properties at 528 Lawson Avenue East and 548 Van Buren Avenue during December 2006 (TR0604).

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval. Adopted Yeas - 5 Nays - 0

43. Resolution Ratifying Assessment – 07-228– In the matter of the assessment of benefits, cost and expenses for boarding up vacant buildings during October 2006 (J0612B), and towing abandoned vehicles from private properties during October 2006. (J0607V) (Legislative Hearing Officer recommends the following:

1175 Cook Avenue East (J0612B) - approve the assessment;

917 Jenks Avenue (J0612B) - approve the assessment;

1861 Randolph Avenue (J0612B) - approve the assessment; and

1871 Randolph Avenue (J0612B) - approve the assessment)

Marcia Moermond, Legislative Hearing Officer, said 1861 and 1871 Randolph involved two assessments for boarding vacant buildings. In both buildings, boards were put up in utility room areas where furnaces are located. According to the owner, the windows were permanently opened for venting. This means that venting a vacant building is not consistent with the fact that vacant buildings need to be secure from entry from people and animals. The City boarded the windows of the two utility rooms. The charge is

\$27.00 for each of the boardings plus a \$70.00 administrative fee in both cases. The owner said there was damage done to the windows due to the boarding. Ms. Moermond advised her she would have to file a claim with the City for the damages in order to get her money back.

Councilmember Harris said the owner had to leave but she left a letter with him with questions that he wants to look into.

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval with the exception of 1861 Randolph and 1871 Randolph which he laid over

Adopted as amended (per the recommendation of the Legislative Hearing officer) Also, 1861 and 1871 Randolph Avenue were laid over to March 21. Yeas - 5 Nays - 0

44. Resolution – 07-229 – Ordering the owner to remove or repair the building(s) at 63 Jessamine Avenue West within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends removing the building within fifteen (15) days with no option for repair.)

Marcia Moermond, Legislative Hearing Officer, stated this was a no-show Legislative Hearing. This is a two-story wood frame house which has been vacant for about 8-1/2 months. The vacant building fees are delinquent in the amount of \$625.00, there is no bond posted, no code compliance has been completed, and there is no financial or rehab plans. Ms. Moermond said she received about 12 letters from neighbors regarding this property and others.

No one appeared in opposition.

Kerrie Antrim, District 6 Planning Council, recommended the building come down and explained the Council's reasons.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and to remove the building within five days.

Adopted as amended (remove within five (5) days with no option for repair) Yeas -5 Nays -0 45. Resolution – 07-230 – Ordering the owner to remove or repair the building(s) at 67 Jessamine Avenue West within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends removing the building within fifteen (15) days with no option for repair.)

Marcia Moermond, Legislative Hearing Officer, said this building has been vacant for 8-1/2 months. Vacant building fees are due and owing in the amount of \$625, the code compliance inspection has not been completed, bond has not been posted, and there are no financial or rehabilitation plans. There was strong neighborhood input for removal of the building.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and to remove the building within five days.

Adopted as amended (remove within five (5) days with no option for repair) Yeas - 5 Nays - 0

46. Resolution – 07-231 – Ordering the owner to remove or repair the building(s) at 1102 Sylvan Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming; <u>Legislative Hearing Officer recommends removing the building within fifteen (15) days with no option for repair.</u>)

Marcia Moermond, Legislative Hearing Officer, said someone did appear at the Legislative Hearing but there was no plan for the rehabilitation of the structure nor a financial plan. The vacant building fees are due and owing in the amount of \$250.00, no code compliance inspection has been completed, and no bond posted. Ms. Moermond recommended the building be removed within fifteen days with no option for repair.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and to remove the building within five days with no option for repair.

Adopted as amended (remove within five (5) days with no option for repair) Yeas -5 Nays -0

47. Resolution – 07-232 – Ordering the owner to remove or repair the building(s) at 581 Van Buren Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends removing the building within fifteen (15) days with no option for repair.)

Marcia Moermond, Legislative Hearing Officer, said this building has been vacant since at least November of 2005. A code compliance inspection was been completed on the building in July 2006. However, a month later there was a fire in the building so she

would require that an additional code compliance inspection be conducted. The vacant building fees are due and owing in the amount of \$250.00 and bond has not been posted.

Paul Fanning, attorney with Peterson, Fram Bergman, representing the mortgage holder, said he was contacted by the foreclosing lender on this date after they received notice of this hearing. According to his client, that was the first notice they had received. He distributed the Sheriff's Certificate. He said the foreclose sale occurred in October. No notice was ever given to US Bank National Association. The redemption period is six months and expires in April 2007. Because of the timing, the foreclosing lender does not have an opportunity to reduce the redemption period. He said his client was not aware there had been a fire until this date. His client orders a service to monitor the property and in February 2007 the service noted that the property was in good condition and that it was serviced by gas and water. Mr. Fanning said his client asked for an opportunity to evaluate the feasibility of repair and evaluate what repairs are required. He requested a 90-day continuance.

Ms. Moermond noted that there have been nine summary abatement notices during the building's vacancy. This is work the City has done.

Councilmember Montgomery moved to close the public hearing. Yeas -5 Nays -0

Councilmember Montgomery said this property has been a burden on the community and there have been numerous calls about it.

Councilmember Montgomery moved approval as amended. Adopted as amended (per the recommendation of the Legislative Hearing Officer) $Yeas-5 \qquad Nays-0$

48. Appeal of Andrea Jepsen, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Geraldine Bugg, to a Condemnation and Order to Vacate property at 721

<u>Delaware Avenue</u>. (Laid over from February 7) (Legislative Hearing Officer's recommendation is forthcoming; <u>Legislative Hearing Officer recommends conditionally granting the appeal based on re-inspection of the property to determine that all of the items on the condemnation list were completed.)</u>

No one appeared in opposition; Councilmember Harris moved to close the public hearing and to grant the appeal as amended.

Appeal granted (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

49. Appeal of Perry deStefano, SMRLS, on behalf of Nancia Range, to a Notice of Certificate of Occupancy Revocation and Order to Vacate for property at 1123-1125 Galtier Street #1. (Legislative Hearing Officer's recommendation is forthcoming; Legislative Hearing Officer recommends denying the appeal and extending the vacate date to March 31, 2007 provided all life/safety repairs are corrected by March 12, 2007. The Legislative Hearing Officer also recommends granting an extension for sixty (60) days to make the remainder of the interior repairs to the building and one-hundred twenty (120) days to make the repairs to the exterior of the building.)

Marcia Moermond, Legislative Hearing Officer, said the original inspection occurred in January and the original appeal was heard on January 18, 2007. She stated her recommendation as noted above.

Cassandra Netzke, attorney with Southern Minnesota Regional Services, representing Nancia Range, renter at 1123 Galtier, Unit #1, explained they do not feel the appeal should be denied because they are presently in litigation on this matter. She talked about problems with the landlord. Also, they cannot make many repairs until they have things in order with Xcel plus a court order.

If Ms. Range has to vacate, they can't proceed with repairs. She feels they can get it fixed. The work could not be complete by March 16 because they do not have the authority to make the inspection or the repairs listed in the February 9 report. They only have authority to cover the items that are listed on the report. There is a complication because they have discovered in making repairs that one of the units is delinquent on their electricity bill. This means that their administrator must get authority from the court to pay the bill. She said she could not guarantee the March 16 date and that's why she does not want a vacate date for Ms. Range. If she has to vacate, they cannot continue to repair the building.

Council President Lantry asked if the life safety issues can be taken care of. Ms. Netzke said they could complete some of them.

Councilmember Helgen moved to close the public hearing. Yeas - 5 Nays - 0

Council President Lantry said it's a tragic situation for the tenant but the overriding concern has to be safety so there is no choice.

Councilmember Helgen moved to deny the appeal

Appeal denied with conditions as amended (extend compliance date to March 16) Yeas - 4 Nays - 0 (Benanav, Harris, Thune not present)

50. Appeal of Parke Schilling to a Summary Abatement Order for property at <u>824 Fremont Avenue</u>. (Legislative Hearing Officer recommends granting the appeal to the Summary Abatement Order and granting an extension on bringing the vehicles into compliance from March 2 to March 16.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the appeal.

Appeal Granted (per the recommendation of the Legislative Hearing Officer) Yeas - 4 Nays - 0 (Benanav, Harris, Thune not present)

51. Appeal of Shoua Yang to a Summary Abatement Order for property at 1151 Bush Avenue. (Legislative Hearing Officer recommends granting the appeal.)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and grant the appeal

Appeal Granted Yeas -4 Nays -0 (Benanav, Harris, Thune not present)

Councilmember Montgomery moved to adjourn the meeting.

Yeas -4 Nays -0 (Benanav, Harris, Thune not present)

ATTEST:	ADJOURNED at 7:30 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Mary Erickson	April 4, 1007 Minutes approved by Council
Mary Efickson	willings approved by Council